

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GUEVARA,
Plaintiff,

v.

OFFICER BERNSON, et al.,
Defendants.

Case No. [22-cv-08919-AMO](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On December 16, 2022, plaintiff, who is in custody at the Maguire Correctional Facility, filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. At that time, this action was assigned to the Honorable William H. Orrick.

Plaintiff had also filed a completed *in forma pauperis* application form. Dkt. 2. However, he did not file a copy of his certificate of funds and prisoner trust account statement. *See id.*

Also on December 16, 2022, the Clerk of the Court notified plaintiff that his *in forma pauperis* application was deficient due to the failure to include a copy of his certificate of funds and prisoner trust account statement. Dkt. 4. The Clerk informed plaintiff that his action could not go forward until he filed the necessary documents within twenty-eight days, and that his failure to do so would result in dismissal of this action. *See id.* The twenty-eight-day deadline passed, and plaintiff did not file the necessary documents.

On April 5, 2023, Judge Orrick directed plaintiff to pay the full filing fee or perfect his *in forma pauperis* application by May 15, 2023. Dkt. 5. Judge Orrick warned plaintiff that no extensions of time would be granted, and that his “[f]ailure to comply with the instructions in this Order may result in the dismissal of this suit for failure to prosecute, *see* Federal Rule of Civil Procedure 41(b).” *Id.* at 1.

The action was subsequently reassigned to the undersigned. *See* Dkts. 6, 7.

1 The May 15, 2023 deadline has passed, and plaintiff has failed to submit his certificate of
2 fund and prisoner trust account statement.

3 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.

4 Plaintiff's *in forma pauperis* application is DENIED as incomplete. The Clerk shall
5 terminate all pending motions and close the file.

6 **IT IS SO ORDERED.**

7 Dated: May 25, 2023



ARACELI MARTÍNEZ-OLGUÍN
United States District Judge